

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Huntington	
Date: 8/31/2011	Case Number 3:09-cv-1167
Case Style: OVEC vs. Hobet	
Type of hearing Hearing on Consent Decree	
Before the honorable: 2514-Chambers	
Court Reporter Teresa Ruffner	Courtroom Deputy Law Clerk
Attorney(s) for the Plaintiff or Government Derek Teaney, Amy Dawson	
Attorney(s) for the Defendant(s) Robert McLusky, Blair Gardner	
Law Clerk Nima Mohebbi	Probation Officer

Trial Time

Non-Trial Time

Other non-evidentiary hearing. Type: on Consent Decree

Court Time

1:30 pm to 1:45 pm
Total Court Time: 0 Hours 15 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Hearing scheduled to commence: 1:30 pm
Hearing commenced: 1:30 pm

The Court found the following:

1. That it will decline to enjoin the defendant’s current water treatment system proposal;
2. That it will defer to the West Virginia Department of Environmental Protection (“DEP”) in determining the sufficiency of the system design; and
3. That deference to the DEP and the defendant’s current plan does not imply that the defendant will not be subject to further action in the event the system fails to meet all applicable legal standards.

Adjourn: 1:45 pm